## THE SUN STIRRING WAR NEWS.

A Severe Engagement at Aquia Creek. U. S. Steamers Compelled to Retire. Official Report of Com. Ward. FIGHT AT FAIRFAX COURT HOUSE.

> Several Killed on Both Sides. SKIRMISH AT ARLINGTON MILLS. VEMENTS IN ALEXANDRIA, &c.

a Saturday morning we gave a brief ac-count of the commencement of an attack made by government vessels on the southern battery creeted at Aquia Oreek. This announcement was followed throughout the whole day of Saturday with dispatches received in rapid succession, recording the progress not only of the engagement at Aquia Creek, but also giv-ing accounts of a severe engagement and loss of life at Fairfax Court House. The several accounts are exceedingly conflicting, and some of them doubtless greatly exaggerated, if not improbable. We give them all, however, as they have reached us, leaving the reader to draw his own conclusions as to the real result of the two engagements, if such they may be styled:

THE BATTLE AT AQUIA CREEK...SE-VERE FIGHT...STEAMERS FREE-BORN AND ANACOSTIA RET IRE TO AWAIT REINFORCEMENTS.

BORN AND ANACOSTIA RETIRE TO AWAIT REINFORCEMENTS.

ALEXANDRIA, June 1.—The steamer Gipsey, from Fort Washington at 10 o'clock this morning, brings information, received there, that the engagement at Aquia Creek between the United States chartered steamers Freeborn and Anacostia was a severe fight, in which a number had been truted on both sides. The steamers, after a short contest, retired to await the arrival of the steamer Pawnee.

The captain of the Gipsey says the Pawnse stopped at Fort Washington, and awaited the arrival there of the steamer Baltimore with troops, which are supposed to have been the New York 71st Regiment, when they proceeded in company to the scene of action.

The Fourth Pennsylvania Regiment arrived at Alexandria to day.

A cartman brought three wounded soldiers in here this forenoon from the neighborhood of Fairfax Court House.

[From the Washington Sunday Chronicle.]

AQUIA CREEK—FURTHER PARTICULARS.

Fairfax Court House.

[From the Washington Sunday Chronicle.]
AQUIA GREEK—PURTHER PARTICULARS.

By the arrival of the U. S. steamer Resolate, we are put in possession of further details of the attack upon the rebel battery at Aquia creek, by the U. S. steamers Freeborn and Anacostia. The Freeborn approached the shore as near as left usught of water would permit, opening her fire in 9 feet water, 2,200 yards distant from the water battery. Keeping bow on, with a view not to expose her broadside to the enemy's fire, the forward gun (32-pounder) of the Freeborn was briskly served till the battery was silenced, when, coming broadside to, both guns were opened with effect. She ired in all eighty rounds, of which forty-four were with shell. The Anacostia delivered fourtien rounds, four with shell, at effective distance. The battery was thoroughly damaged, while the end of the railway station-house, adjoining the battery, was quite knocked away.

The enemy's shots had slight or no effect on the vessels. On board the Freeborn one of the men was struck in the wrist by a ball which ricocheted from the water and passed through the bull falling on the deck, was retained as a trophy. Lt. Pendergast, U. S. N., not attached to the vessel, but casually on board, had his hat knocked off by a ball, whose whistle was kively to the ear, but whose contact was fortunately not felt.

The Freeborn, together with the Reliance, have proceeded below, blockading the mouth

N'eis to the ear, but whose contact was for-tunately not felt.

The Freeborn, together with the Reliance, have proceeded below, blockading the mouth of the Rappahannock.

OFFICIAL REPORT OF THE ENGAGEMENT AT Cem. Ward, of the U.S. steamer Freeborn, has made the following official report to the Secretary of the Navy of the engagement at

Aquia creek:

U. S. STEAMER THOS. FREBORN,
Off Aquia Creek, May 31, 1881.

Sir:—My immediate commanding officer, Flag
Officer Stringham, not being present to receive
it, I communicate directly to the department
the report of a serious cannonade made by
this vessel, supported by the Anacostia and
Resolutesteamers, upon the batteries at Aquia
creek this morning.

After an incessant charge, kept up for two
hours by both our 32-pounders, and the expen-Aquia creek:

After an incessant charge, kept up for two hours by both our 28-pounders, and the expenditure of all the ammunition suitable for distant firing, and silencing completely the three batteries at the railroad terminus, the firing from shore having been rapidly kept up by them until so silenced, and having been recommenced from the new batteries on the heights back, which reached us in volleys, dropping the shot on board and about us like hall for nearly anhour, but fortunately wounding but one man, I hauled the vessel off, as the heights proved wholly above the reach of our elevation.

ing but one man, I named the yessel of, as the heights proved wholly above the reach of our elevation.

Judging from the explosion of our ten-second shells in the sand batteries, two of which were thrown by the Anacostia, it is hardly possible the enemy can have escaped considerable loss. Several others of the Anacostia's shells dropped in the vicinity of the battery.

I cannot speak in too high terms of the officers and men, whose coolness and activity under great exposure are beyond praise. As the former are all civilians, having volunteered from civil life, none but myself being of the regular navy, I beg leave to ask for them a favorable consideration by the government.

The long 32-pounder in use is of the old pattern, cast in 1819, and cannot be excelled in precision. Both the guns were on carriages of new construction, devised by myself, and answered admirably, working with such ease that the crows came out of action wholly unfatigued. To the extreme sweep of 140 degrees which these carriages have, together with the case and rapidity of movement, enabling the vessel to constantly change position, yet keep up accurate fire, which impaired the enemy's range and direction, he firing always with rifled cannon, is to be materially attributed our escape without loss of life or damage to the vessel or machinery. The men say they are as free from fatigue as when they entered action.

We cannonaded for an hour before the same

action.
We cannonaded for an hour before the same

are as free from fatigue as when they entered action.

We cannonaded for an hour before the same batteries the day before yesterday; but the tide being out neither party reached with any considerable certainty. I don't fit is possible to reduce the batteries now established on the heights from ships, nor is it at all important, considering that they are remote from the ship channel of the river, and command only the railroad terminus.

Yesterday I landed in person, with Acting Master Budd, Master's Mate Lee, and a small party of seamen, and made a most minute exploration over the whole of Matthews' Point.—I am, therefore; able to speak with occular certainty, and to say that not a sign of a movement, the cutting of a sapling, driving a stake, or casting a shovel full of earth towards the erection of a battery exists. The jungle is very thick, but we penetrated a belt of it 300 yards wide from the shore and three miles in length, assuring ourselves of the facts as stated in this report.

I have especially to ask for the steamers Reliance and Resolute, of this flotilla, each a small rifled cannon, in addition to the smooth bored gun with which they are provided. For the want of a rifled gun in them, I was obliged to forbid their coming closely under a fire to which they could not reply with even an approximate effect.

Lieut. Com. N. Collins, of the Anacostia, will make his own report.

I have the honor to be, sir, your ob't,
J. H. WARD, Com. U. S. N.

Skirmish at Fairfax Court-House—United.

States and Confederate Treene Killed.

Skirmish at Fairfax Court-House.—United States and Confederate Troops Killed—Prisoners Captured.
On Saturday we received several versions of

a skirmish and loss of life at Fairfax Court-house, Va., between Federal and Confederate

troops. We copy the following from the WashIngton Sunday Chronicle:

On Saturday morning, about three o'clock, a
skirmish took place at Fairfax Court-house, in
which Lieut, Tompkins, U. S. cavalry, had his
horse twice shot from under him. Two of his
men were killed. Twenty-seven of the enemy
were killed and fly ta taken prisoners, who have

men were killed. Twenty-seven of the enemy were killed and five taken prisoners, who have been brought to this city.

The particulars are these:—Company B, second U.S. cavairy, forty-seven privates, Lieut. Tompkins commanding, with Second Lieut. Gordon and Quartermaster Farring, Assistant Quartermaster Oary and Adjutant Frank, of the New York fifth, were reconnoitering near Prairiax Court-house, when they were fired upon by two pickets, one of whom they captured. The cavairy company then charged into the village from the north side, and were fired on from the Union hotel, (formerly kept by James Jackson, who killed Ellsworth.)

The man firing on them was instantly shot down. The cavairy then charged down through the village's principal street, and were fired on from many houses, and from platoons behind fences. Having passed thus to the end of the village, they wheeled about and instantly charged back, and were then met by two considerable detachments with a field piece. Turning, they cut through a third detachment in the rear, and left the village, bringing with



VOL. XLIX.—NO. 13.1

BALTIMORE, MONDAY MORNING, JUNE 3, 1861.

them five prisoners, and killing throughout the engagement twenty-seven men.

Two of the U. S. cavalry are killed, two are missing, and Assistant Quartermaster Cary, (of the New York fifth,) was wounded in the foot.

Li-ut. Tompkins had two horses shot under him, the last one falling on his leg, injuring it slightly. The wounded are under the care of Drs. Hasse and Roosa, of the New York fifth.

ANOTHER ACCOUNT BY AN EVE-WINNESS.

At 3 o'clock on Saturday morning the federal troops of trove the pickets on the Georges town road towards Fairfax Court-House, where they gave the alarm to a company of Virginia troops, who immediately fled on the road to Manassas. Fifteen minutes had hardly elapsed before the federal groops had arrived at Fairfax Court-House, After galloping through the town, they halted at a hill near the court house, where they awaited the Virginia troops. In the meantime the Virginia cavalry took a circultous route from the Manassas road toward the court-house, and came out in the rear of the federal cavalry. Immediately they charged upon the troops, and after three volleys our cavalry retired a short distinctive variety upon the Virginians, and cut their way through their ranks. Caputring five of the Hunted States, and country.

Special troops are the court house, and came out in the rear of the federal cavalry. Immediately they charged upon the troops, and after three volleys our cavalry retired a short distinctive value of the virginians, and cut their way through their ranks. Caputring five of them the volunts and their devont and lienardeli gratitude. It becomes the silve of the olive the distinctive the following and sales and gentlemen paid their dependence upon the tild the article for the busited of invoice the constitutions of their dependence upon the trough and interport of the United States, in "the Circuit Court of the United States, in "the Circuit Cour

Light. Tompains had two norses shot dider, him, the last one falling on his leg, injuring it slightly. The wounded are under the care of Drs. Hasse and Roosa, of the New York fifth.

ANOTHER ACCOUNT BY AN EYE-WITNESS.

At 3 o'clock on Saturday morning the federal troops drove the pickets on the Georgetown road towards Fairfax Court-House, where they gave the alarm to a company of Virginia troops, who immediately fled on the road to Manassas. Fifteen minutes had hardly elapsed before the federal troops had arrived at Fairfax Court-House. After galloping through the town, they halted at a hill near the court-house, where they awaited the Virginia cavalry took a circuitons route from the Manassas road toward the court-house, and came out in the rear of the federal cavalry. Immediately they charged upon the troops, and after three volleys our cavalry retired a short distance along the Manassas road, followed by the Virginia troops. They returned immediately upon the Virginians, and cut their way through their ranks, capturing flye of them, whom they brought to the city.

Further Farticulars of the Affair at Fairfax—Only One Confederate Killed.

ALEXANDRIA, June 1.—A loyal citizen of Washington, named Williams, who has been imprisoned for four days at Richmond recently as a spy, chanced to be at Fairfax Courthouse last night. From his statement it appears that the only one killed in the Confederate camp was Capt. John Q. Marr, of the Warrenton Rifles. He heard the federal troops coming up, and ordered them to halt. They replied that they were Capt. Powell's cavalry company. The captain ordered his men to arms, when the dragoons fired a volley and killed the captain instantly.

The Confederates rushed out in madness and disorder and fired on the cavalry at random. The cavalry charged and having fired three volleys retreated. The Confederates pursued them some distance and subsequently returned to camp with two dragoons as prisoners, with their horses. Williams says he is certain the reports of killed published in the

for the present being confined to guerilla warfare.

A Skirmish at Arlington Mills—A Zouave Killed.

ALETANDRIA, June 1, 9P. M.—The following are the particulars in regard to last night's doings on this side the Potomac.

Shortly before midnight a skirmish took place at Arlington Mills, between a company of Zouaves and Capt. Roth's company E, of the Michigan regiment, and a scouting party of nine Virginians. The Zouaves had just arrived to relieve the Michiganders, and posted their sentinels, when the Virginians attacked them. The federal troops drove them away, but in the conflict one Zouave was killed and one wounded.

It was supposed that one of the Confederates was killed or wounded, but he was carried off by his comrades in their retreat. The Confederates retired to the woods during the night, and in the morning took themselves off in a hand-car. The federalists endeavored to pursue them, but without success.

An employee of the mills, named Mortimer, was shot early in the evening by the same scouting party.

Movements in Alexandria.

Movements in Alexandria. ALEXANDRIA, June 1.—Michiganers and Zouaves are busily engaged in throwing up earthwork. They will soon have a very strong fortification finished, which, in case of an advance movement by federal troops, will serve as an important protection in case of a ratreat.

serve as an important protection in case of a retreat.

An advance from this point at present does not seem feasible, as the occupation of more interior points would only serve to weaken the position of the federal forces.

The strengthening of this post as a protection to any movement that may be made via Harper's Ferry, seems more probably to be the purpose of the government.

There is but one telegraph instrument in this city, which is mostly occupied in government business.

The carnest hope entertained by many in the North that secession would dwindle away before the United States forces, and loyalty raise its head, is not reassured by interviews with some of the prominent citizens, who express their grievances in the strongest language.

grage.

The officers in command of the United States troops here exert themselves to the utmost to create a better feeling, and with partial success. The experience gained from this occupation will doubtless lead to great discrimination in the future salection of treons for this

cess. The experience gained from this occupation will doubtless lead to great discrimination in the future selection of troops for this purpose. Col. Stone while in command here gained great favor among the citizens for his efforts to subdue some unruly spirits among the military, whose conduct had a very injurious effect on the successful dissemination of Union principles.

There are many unsatisfactory rumors afloat with reference to the movements of Gen. Lee. The present unprotected situation of Alexder assures many, as it is not believed the movements of the Virginia forces will be so conducted as to unnecessarily hazard the lives of Southern women and children and the property of Southern citizens.

Defensive Measures at Alexaudria.

ALEXANDRIA, June 1, 10 P. M.—The Michigan and Zouave Regiments are busily employed in throwing up earthworks, and will soon have finished very strong fortifications, which will in case of an advance movement of federal troops, serve as an important protection in a retreat. An advance from this point at present does not seem feasible, as the occupation of more interior points would only serve to weaken the position of the federal forces.

The strengthening of this post as a protection to any movements that may be made via Harper's Ferry, seems more the purpose of the government.

the government.

The numerous skirmishes that occur are each magnified into battles, and an examination into their truthfulness seems to be the most generous course for a reporter to the public to pursue in the present agitation.—
There is but one telegraphic instrument in this city, which is mostly occupied in the transmission of government business.

FROM WESTERN VIRGINIA.

The Wheeling Intelligencer confirms the previous statement that the United States forces have taken possession of Gration and the telegraph offices there, and adds that they also have control of the Baltimore and Ohio Railroad at that place. At Sisterville, Va., the federal forces captured two rified cannon, and a number of muskets.

The two burned bridges near Farmington had been so far repaired as to allow of the passage of the cars.
Captain Trimble had sent three prisoners to Camp Carille, near Wheeling. Their names are Charles H. Matthews, Amos H. Straight and Lewis W. Stephens. The former was an employee of the Baltimore and Ohio railroad at Farmington.

Three or four more regiments of federal troops from Indiana, Ohio and Virginia, were on the march to reinforce Grafton.

MARYLANDERS IN VINGINIA.

MARYLANDERS IN VINGINIA. We find the following in the Richmond Ex-

MARYLANDERS IN VINGINIA.

We find the following in the Richmond Examiner:

A large and enthusiastic meeting was held in the Convention Hall Thursday night to aid those brave Marylanders who had left their homes to aid in fighting our battles, and who are now at Harper's Ferry, without the bare necessities of the soldier's camp.

Mrs. Johnson, wife of Captain B. Johnson, of Maryland, and daughter of Judge Sanders, of this city, was present, having encountered the dangers and fatigues of travel from Harper's Ferry, where she left her husband and his brave comrades, for her native State, to solicit aid. Eloquent speeches were made on the occasion by Governor Reid, Hon. Kenneth Rayner, Hon. T. L. Clingman, Hon. J. W. Osborne and Mr. Woodfin. At the conclusien of Mr. Woodfin's speech, he proposed that a committeet of five beappointed to wait ou those present and solicit their subscriptions. Adopted. The committee collected some five hundred dollars, together with many names for large donations. Mrs. Johnson will leave in the morning, having succeeded entirely in her noble mission, besides five hundred rifles, which the Governor has tendered to the husband of Mrs. Johnson and the men under his command.

PROCLAMATION TO THE PEOPLE OF THE CONFEDERATE STATES.

When a people was present was present and support their denen.

PROCLAMATION TO THE PEOPLE OF THE CON.
FEDERATE STATES.

When a people who recognize their dependence upon God, feel themselves surrounded by peril and difficulty, it becomes them to humble themselves under the dispensation of Divine Providence, to recognize His righteous government, to acknowledge His goodness in times past, and supplicate His merciful protection for the future.

The manifest proofs of the Divine blessing hitherto extended to the efforts of the people of the Confederate States of America to maintain and perpetuate public liberty, individual

BRITISH SHIPS AND THE BLOCKADE.

The acting British Consul at Mobile has re

The acting British Consul at Mobile has received the following:

U. S. Ship Powhatan, May 28.

Sir—In answer to your communication of May 27th, I beg leave to inform you that British ships will be permitted to use tow-boars or any other means to get to sea, and that the tow-boats will not be molested in towing British ships. I beg leave to add that the 28th is, I believe, the day fixed for rigid blockade, but as I am only here temporarily, and without special instructions, I will give the most liberal construction to the order. It would be better, if it can be done without injury to British Interests, to get the ships to sea as soon as possible.

Possible.
Very respectfully, your ob't servant,
DAVID D. PORTER, Commanding. DAVID D. PORTER, Commanding.

PLANS OF THE CAMPAIGN.

It is stated that Gen. Scott intends to make a vigorous onward movement as soon, as his plans are completed, with a view to occupy Richmond before the 4th of July. Thirty-five thousand men will be pushed on into the interior of Virginia towards Blue Ridge; 20,000, under Gen. Patterson, will invade Virginia from Eastern Pennsylvania; 20,000, under Gen. McClelland, from Ohio, will cut their way to Winchester and Strasburg, by the turnpike road, from Grafton, avoiding the line of the Baltimore and Ohio raBroad, and 15,000 men, under General Butler, aided by a naval force, will make their way up the James river. A strong force will be collected in Western Virginia, in addition to Colonel Sherman's corps d'armee, for the protection of the Unionists there.

there.

ARRIVAL OF U. S. TROOP'S.

The ship Mystic, Capt. Godfrey, arrived at New York on Saturday from Indianola, Texas, via Key West, bringing 245 U. S. troops, companies A. F and I. U. S. infantry, in charge of Majyr Sbley. She also brings 30 women and children attached to the command. All well The U. S. frigate Niagara went into Havana May 18. The Orusader leit Key West May 21, for Havana.

President Davis in Richmond.

Account of his Journey and Reception— Scenes En Route-Enthusiasm of the People-Speech of Mr. Davis at Rich-mond, &c. We have received Richmond papers of

Thursday last, and copy from the Enquirer the following: JOURNEY OF PRESIDENT DAVIS TO RICHMOND. President Davis, accompanied by his aid, Col. Wigiall, and lady, and by Hon. Robert Toombs, of Ga., left Montgomery by cars on Sunday evening last. They made no special stoppage on the route, and owing to previous severe indisposition of the President, it was desirable that his trip to Richmond should be as private as practicable.

At each station his friends endeavored to centre this information to the citizens but it

At each station his friends endeavored to cenvey this information to the citizens, but it was really to no purpose. No matter where the cars stopped, even though it was only for wood or for water, throngs of men, women and children would gather around the cars, asking, in loud shouts, "Where is President Davis!" "Jeff. Davis, the old hero!" and he was forced to make his appearance and frequently to address them. Then we could see handkerchiefs waving and gay flags and bouquets.

handkerchiefs waving and gay flags and bouquets.

When the flute-like voice of Davis arose upon the air, hushed to stillness by the profound respect of his auditors, it was not long before there was an ontburst of feeling which gave vent in a fornado of voices; these would break forth in constant succession to the end of his address. Every sentiment he uttered seemed to swell up from his heart, and was received with the wildest enthusiasm. When he concluded, three hearty cheers went up from the multitude.

The crowd then shouted for Wigfall, and no excuse was tolerated. In vain he would seek some remote part of the cars; the crowd hunted him up, and the welkin rang with rejoicings as he addressed them in his emphatic and fervent style of oratory. Next would be heard a cry for "Toombs!" He, too, sought to avoid the call, but the echo would ring with the mame of "Toombs!" "Toombs!" and the sturdy

cry for "Toombs!" He, too, sought to avoid the call, but the ecbo would ring with the name of "Toombs!" "Toombs!" and the sturdy Georgian statesman had to respond. His frank and open manner came home to the hearts of all. Whether in his own State, in South Carolina, in Alabama, or North Carolina, "Bob Toombs," as they familiarly called him in Georgia, was always welcome when he addressed the people.

In Atlanta, Augusta, Wilmington and Goldsborough, the crowds assembled were very large, and the enthusiasm unbounded. At Goldsborough, while partaking of his supper in the hall of the hotel, the table was thronged with beautiful girls, and many were bedecking him with garlands of flowers. The military had formed into squares to receive him from the cars; guns were fired, and the band struck up inspirited martial airs during the interval of supper.

The whole country is a camp. On every hand we see soldiers—and every day the cars were crowded with them. From appearances

The whole country is a camp. On every hand we see soldiers—and every day the cars were crowded with them. From appearances they are the flower of the South. The journey of President Davis from Montgomery to the capital was one continuous ovation. The whole soul of the South is in this war; and the confidence manifested in our President, in the many scenes which transpired on this trip, shows that the mantel of Washington falls gracefully upon his shoulders.

that the mantel of Washington falls gracefully upon his shoulders.

Never were a people more enraptured with their chief magistrate than ours are with President Davis, and the trip from Montgomery to Richmond will ever be remembered with delight by all who witnessed it. The eagerness of young and old and of all classes to catch a glimpse of him, or take him by the hand, is beyond description. This trip has infused a martial feeling in our people that knows no bounds.

martial feeling in our people said the battle-bounds.

While, however, there is a rush to the battle-field in our older States, which threatens to fill up all the ranks in our army, we must have a thought for the far distant West, and give our young sister States an opportunity to unite their names in the history of our war on the

young sister States an opportunity to unite their names in the history of our war on the borders of Virginia.

The President and suite were welcomed to Virginia by a deputation of the Governor of the State and the Mayor of Richmond. These gentlemen reached the party at Petersburg, and accompanied them to the city.

THE PRESIDENT AT THE NEW FAIR GROUNDS.

At about half past five o'clock, President Davis, accompanied by a cortege on horseback, left his quarters at the Spotswood House, and proceeded to the New Fair Grounds. Here a large number of ladies and gentlemen had assembled, and on his arrival, greeted him with the heartiest demonstrations of pleasure.

On leaving his saddle, the President was surrounded by an eager crowd of soldiers and civilians whom he indulged to a hand-shaking performance until the pressure became so great that he was compelled to retire to the balcony of the Executive Department, where, in response to the demands of the assemblage, he delivered the following brief and pertinent speech:

"My Friends and Fellow-Oitizens:—I am

he delivered the following brief and pertinent speech:

"My Friends and Fellow-Citizens;—I am deeply impressed with the kindness of your manifestation. I look upon you as the last best hope of liberty; and in our liberty alone is our constitutional government to be preserved.—Upon your strong right arms depends the success of our country, and, inasserting the birthright to which you were born, you are to remember that life and blood are nothing as compared with the immense interests you have at stake. [Cheers.]

"It may be that you have not long been trained, and that you have much to learn of

at stake. [Cheers.]

"It may be that you have not long been trained, and that you have much to learn of the art of war, but I know that there beats in the breasts of southern sens, a determination never to surrender—a determination never to go home but to tell a tale of honor. [Orles of "never!" and applause.] Though great may be the disparity of numbers, give us a fair field and a free fight, and the southern banner will float in triumph everywhere. [Cheers.] The country relies upon you. Upon you rest the hopes of our people; and I have only to say, my friends, that to the last breath of my life, I am wholly your own, "[Tremendous cheers.] President Davis then retired from the balcony. Ex-Senator Wigfall, Gov. Letcher and Mayor Mayo followed with brief speeches, in response to the calls of the crowd, after which the President and suite proceeded to the adjoining parade ground where a review of the roops took place.

Since the above was in type, we have re-ceived Richmond papers of Friday. Presi-

Maryland district."

Ex parte John Merryman. Sefore the Chief Justice of John Merryman. It is Supreme Court of the United States, at Chambers. The application in this case for a writ of habeas corpus is made to me under the 14th section of the judiciary act of 1780, which renders effectual for the citizen the constitutional privilege of the habeas corpus. That act gives to the courts of the United States, as well as to each Justice of the Supreme Court, and to every District Judge, power to grant writs of haleas corpus for the purpose of an inquiry into the cause of commitment. The petition was presented to me at Washington, under the impression that I would order the prisoner to be brought before me there, but as he was confined in Fort McHenry, at the city of Baltimore, which is in my circuit, I resolved to hear it in the latter city, as obedience to the writ, under such circumstances, would not withdraw Gen. Cadwallader, who had him in charge, from the limits of his military command.

windraw (sen. Cadwailader, who had him in charge, from the limits of his military command.

The petitioner resides in Maryland, in Baltimore county. White peaceably in his own house, with his family, he was, at two o'clock on the morning of the 25th of May, 1861, enteredby an armed force, professing to aci undermilitary orders. He was then compelled to fise from his bed, taken into custody and conveyed to Fort McHenry, where he is imprisoned by the commanding officer, without warrant from any lawful authority.

The commander of the fort, General George Cadwallader, by whom he is detained in confinement, in his return to the writ, does not deny any of the facts alleged in the petition. He states that the prisoner was arrested by order of Gen. Keim, of Peunsylvania, and conducted as a prisoner to Fort McHenry by his order, and placed in his (Gen. Cadwailader's) custody to be there detained by him as a prisoner.

A cony of the warrant, or order, under which

custody to be there detained by him as a prisoner.

A copy of the warrant, or order, under which the prisoner was arrested, was demanded by his counsel, and refused. And it is not alleged in the return that any specific act, constituting an offense against the laws of the United States, has been charged against him upon oath; but he appears to have been arrested upon general charges of treason and rebellion, without proof, and without giving the names of the witnesses, or specifying the acts, which, in the judgment of the military officer, constituted these crimes. And having the prisoner thus in custody upon these vague and unsupported accusations, he refuses to obey the writ of habeas corpus, upon the ground that he is duly authorized by the President to suspend it.

The case, then, is simply this. A military

the writ of habeas corpus, upon the ground that he is duly authorized by the President to suspend it.

The case, then, is simply this. A military officer, residing in Pennsylvania, issues an order to arrest a citizen of Maryland, upon vague and indefinite charges, without any proof, so far as appears. Under this order his house is entered in the night; he is seized as a prisoner, and conveyed to Fort McHenry, and there kept in close confinement. And when a habeas corpus is served on the commanding officer, requiring him to produce the prisoner before a Justice of the Supreme Court, in order that he may examine into the legality of the imprisonment, the answer of the officer is, that he is authorized by the President to suspend the writ of habeas corpus at his discretion, and, in the exercise of that discretion, suspends it in this case, and on that ground refuses obedience to the writ.

As the case comes before me, therefore, I understand that the President not only claims the right to suspend the writ of habeas corpus himself, at his discretion, but to delegate that discretionary power to a military officer, and to leave it to him to determine whether he will or will not obey judicial process that may be served upon him.

No official notice has beeen given to the Courts of Justice, or to the public, by proclama ion, or otherwise, that the President claimed this power, and had exercised it in the manner stated in the return. And I certainly listened to it with some surprise, for I had supposed it to be one of those points of constitutional law upon which there was no difference of opinton, and that it was admitted on All bands that the privilege of the writ could not be suspended, except by act of Congress.

When the conspiracy of which Aaron Burr was the lead became so formidable, and was so extensively ramified, as to justify, in Mr. Jefferson's opinion, the suspension of the writ, he claimed, on his part, no power to suspend it—but communicated his opinion to Congress, with all the proofs in his possession, in order that Congress might exercise its discretion upon the subject, and determine whether the public safety required it. And in the debate which took place upon the subject, no one suggested that Mr. Jefferson might exercise the power himself, if, in his opinion, the public safety required it.

safety required it.

Having therefore regarded the question as too plain and too well settled to be open to dispute, if the commanding officer had stated that upon his own responsibility, and in the exercise of his own discretion he refused obedience to the writ, I should have contented myself with referring to the clause in the constitution and to the content of myself with referring to the clause in the constitution, and to the construction it received from every jurist and statesman of that day, when the case of Burr was before them. But being thus officially notified that the privilege of the writ has been suspended under the orders, and by the authority of the President, and believing, as I do, that the President has exercised a power which he does not possess under the constitution. A proper respect for inder the constitution, a proper respect for he high office he fills requires me to state plainly and fully the grounds of my opinion, n order to show that I have not ventured to question the legality of this act without a care-ul and deliberate examination of the whole

The clause in the constitution which au-

question the legality of this act without a careful and deliberate examination of the whole subject.

The clause in the constitution which authorizes the suspension of the privilege of the writ of habeas corpus is in the 9th section of the first article.

This article is devoted to the legislative department of the United States, and has not the slightest reference to the Executive department. It begins by providing "that all legislative powers therein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." And after prescribing the manner in which these two branches of the legislative department shall be chosen, it proceeds to enumerate specifically the legislative powers which it thereby grants, the legislative powers which it thereby grants, the legislative powers which it expressly prohibits, and, at the conclusion of this specification, a clause is inserted, giving Congress "the power to make all laws which may be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States or in any department or office thereof."

The power of legislation granted by this latter clause is by its words carefully confined to the specific objects before enumerated. But as this limitation was unavoidably somewhat indefinite, it was deemed necessary to guard more effectually certain great cardinal principles essential to the liberty of the citizen, and to the rights and equality of the States, by denying to Congress, in express terms, any power of legislating over them. It was apprehended, it seems, that such legislation might be attempted under the pretext that it was necessary and proper to carry into execution the powers granted; and it was determined that there should be no room to doubt, where rights of such vital importance were concerned, and accordingly this clause is immediately followed by an enumeration of certain subjects, to which the powers or degislat

the United States such power over the liberty of a citizen.

It is the 2d article of the constitution that provides for the organization of the Executive Department, and enumerates the powers conferred on it and prescribes its duties. And if the high power over the liberty of the citizens now claimed was intended to be conferred on the President, it would undoubtedly be found in plain words in this article. But there is not a word in it that can furnish the slightest ground to justify the exercise of the power. The article begins by declaring that the Executive power shall be yested in a President of

the United States of America, to hold his office during the term of four years—and then proceeds to prescribe the mode of election and to specify in precise and plain words the powers are legated to bim and the duties imposed upon him. And the short term for which he is elected, and the narrow lifthis to while his power is confined, show the jeslousy and apprehensions of future danger which the framers of the constitution felt in relation to that department of the revenuent—and how cart fully shey withheld from it many of the powers belonging to the Executive branch of the Eaglis government which were considered as dangerous to the liberty of the subject—and conferred (and that in clear and specific terms) those powers only which were deemed essential to secure the successful operation of the government.

He is elected, as I have already said, for the brief term of four years, and is made personally responsible, by impachiment, for maifeastance in office. He is from necessity and the nature of his duties the commander in chief of the army and navy, and of the military, when called into actual service. But no appropriation for the support of the army can be made by Congress for a longer term than two years, so that it is in the power of the succeeding House of Representatives to withhold the appropriation for its support, and thus disband it, if in their judgment, the President used, or designed to use, if for improper purposes.—And although the military, when he nactual service, are under his command, yet the appointment of the officers is reserved to the States, as a security against the use of the military power for the call of the support o

assisting it to execute its process and enforce

acts in subordination to judicial authority, assisting it to execute its process and enforce its judgments.

With such provisions in the constitution, expressed in language too clear to be misunderstood by any one, I can see no ground whatever for supposing that the President, in any emergency, or in any state of things, can authorize the suspension of the privilege of the writ of habeas corpus, or arrest a citizen, except in aid of the judicial power. He certainly does not faithfully execute the laws, if he takes upon himself legislative power by suspending the writ of habeas corpus—and the judicial power also, by arresting and imprisoning a person without due process of law. Nor can any argument be drawn from the nature of sovereignty, or the necessities of government for self-defense in times of tumult and danger. The government of the United States is one of delegated and limited powers. It derives its existence and authority altogether from the constitution, and neither of its branches, Executive, Legislative, or Judicial, can exercise any of the powers of government beyond those specified and granted. For the 10th article of the amendment to the constitution, in express terms, provides that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Indeed, the security against imprisonment by executive authority, provided for in the fifth

Indeed, the security against imprisonment

Indeed, the security against imprisonment by executive authority, provided for in the fifth article of the Amendments of the Constitution, which I have before quoted, is nothing more than a copy of a like provision in the English Constitution, which had been firmly established before the Declaration of Independence.

Blackstone, in his Commentaries, (1st vol.: 137,) states it in the following words:

"To make imprisonment lawful, it must be either by process from the Courts of Judicature or by warrant from some legal officer having authority to commit to prison." And the people of the United Colonies, who had themselves lived under its protection while they were British subjects, were well aware of the necessity of this safeguard of their personal liberty. And no one can believe that in framing a government intended to guard still more efficiently the rights and the liberties of the citizens against executive encroachment and oppression, they would have conferred on the President a power which the history of England had proved to be dangerous and oppressive in the hands of the Crown, and which he people of England had compelled it to surrender after a long and obstinate struggle on the part of the English executive to usurp and retain it.

The right of the subject to the benefit of the writ of habeas corpus, it must be recollected, was one of the greatpoints of controversy dur-

surrender after a long and obstinate struggle on the part of the English executive to usurp and refain it.

The right of the subject to the benefit of the writ of habeas corpus, it must be recollected, was one of the great points of controversy during the long struggle in England between arbitrary government and free institutions, and must therefore have strongly attracted the attention of statesmen engaged in framing a new and, as they supposed, a freer government than the one which they had thrown off by the revolution. For from the earliest history of the Common Law, if a person was imprisoned—no matter by what authority—he had a right to the writ of habeas corpus to bring his case before the King's Bench; and if no specific offense was charged against him in the warrant of commitment, he was entitled to be forthwith discharged; and if an offense was charged whic was bailable in its character, the court was bound to set him at liberty on ball. And the most exciting contests between the Crown and the people of England, from the time of Magna Charta, were in relation to the privilege of this writ, and they continued until the passage of the statue of 31st Charles II., commonly known as the great nature. We present the subject from the usurpation and oppression of the executive branch of the government. It nevertheless conferred no new right upon the subject, but only secured a right already existing. For, although the right could not be justly denied, there was often no effectual remedy against its violation. Until the statute of the 13th of William 3d the Judges held their offices at the pleasure of the king, and the influence which he exercised over timid, timeserving, and partisan judges often induced them, upon some pretext or another, to refuse to discharge the party although he was entitled to it by law, or delayed their decisions from time to time, so as to prolong the imprisonment of persons who were obnoxious to the king for their political opinions, or had incurred his resentment in any other way.

T

Blackstone, in his Commentaries on the Laws of England, (3d vol., 133-134,) says:
"To assert an absolute exemption from imprisonment in all cases, is inconsistent with every idea of law and political society, and in the end would destroy all civil liberty, by rendaring its protection impossible.

the end would destroy all civil liberty, by rendering its protection impossible.

"But the glory of the English law consists in clearly defining the times, the causes and the extent, when, wherefore, and to what degree the imprisonment of the subject may be lawful. This it is which induces the absolute necessity of expressing upon every commitment thereason for which it is made, that the court upon a habeas corpus may examine into its validity, and according to the circumstances of

PRICE ONE CENT. the case, may discharge, admit to bail, or re

the case, may discharge, admit to ball, or remand the prisoner.

"And yet early in the reign of Charles I. the Court of King's Bench, relying on some arbitrary precedents, (and those perhaps misunderstood.) determined that they would not a prisoner, though committed without any cause a prisoner, though committed without any cause a signed, in case he was committed by the special command of the King or by the Lords of the Privy Council. This draw on a parliamentary inquiry and produced the Petition of Right—3 Charles I.—which recites this illegal judgment, and enacts that no freeman hereafter shall be so imprisoned or detained. But when in the following year Mr. Selden and others were committed by the Lords of the Council in pursuance of his majesty's special command, under a general charge of 'notable contempis, and stirring up sedition against the King and the government, 'the judges delayed for two terms (including also the long yeacation) to deliver an opinion how far such a charge was bailable. And when at length they agreed that it was, they however annexed a condition of finding sureties for their good behaviour, which still protracted their imprisonment, the Chief Justice, Sir Nicholas Hyde, at the same time declaring that 'if they were again remanded for that cause perhaps the court would not afterward grant a habeas corpus, being already made acquainted with the cause of the imprisonment.' But this was heard with indignation and astonishment by every lawyer present, according to Mr. Selden's own account of the matter, whose resemment was not cooled at the distance of four and twenty years.'

It is worthy of remark that the offenses charged against the prisoner in this case, and relied on as a justification for his arrest and imprisonment, in their nature and character, and in the loose and yague manner in which they are stated, bear a striking resemblance to these assigned in the warrant of the marker, whose resemment was not cooled at the distance of four and twenty years.'

It is worthy of remark tha

half excited universal indignation at the bar. The extract from Hallam's Constitutional History is equally impressive and equally in point. It is in vol. 4. p. 14.

"It is a very common mistake, and not only among foreigners, but many from whom some knowledge of our constitutional laws might be expected, to suppose, that this statute of Charles II, enlarged in a great degree our liberties, and forms a sort of epoch in their history. But though a very beneficial enactment, and eminently remedial in many cases of illegal imprisonment, it introduced no new principle, nor conferred any right upon the subject. From the earliest records of the English law, no freeman could be detained in prison, except upon a criminal charge, or conviction, or for a civil debt. In the former case it was always in his power to demand of the Court of King's Bench a writ of habeas corpus ad subjictendum directed to the person detaining him in custody, by which he was enjoined to bring up the body of the prisoner with the warrant of commitment that the court might judge of its sufficiency, and remand the party, admit him to bail, or discharge him, according to the nature of the charge. This writ issued of right, and could not be refused by the court. It was not to bestow an immunity from arbitrary imprisonment, which is abundantly provided for in Magna Charta, if indeed it were not more ancient, that the statute of Charles II. was enacted, but to cut off the abuses by which the government's lust of power, and the servile subtlety of Crowu lawyers had impaired so fundamental a privilege. lege.
While the value set upon this writin England

While the valueses upon this writin England has been so great that the removal of the abuses which embarrassed its enjoyments have been looked upon as almost a new grant of liberty to the subject, it is not to be wondered at that the continuance of the writ thus made effective should have been the object of the most islands for a great discondingly up newer in First. the continuance of the writ thus made effective should have been the object of the most jealous care. Accordingly, no power in England short of that of Parliament can suspend or authorize the suspension of the writ of habeas corpus. I quote again from Blackstone (I Comm., 136): "But the happiness of our Constitution is, that it is not left to the executive power to determine when the danger of the State is so great as to render this measure expedient. It is the Parliament only, or legislative power, that, whenever it sees proper, can authorize the Crown, by suspending the habeas corpus for a short and limited time, to imprison suspected persons without giving any reasons for so doing." And if the President of the United States may suspend the writ, then the Constitution of the United States has conferred upon him more regal and absolute power over the liberty of the citizen than the people of England have thought it safe to entrust to the Crown—a power which the Queen of England cannot exercise at this day, and which could not have been lawfully exercised by the sovereign even in the reign of Charles the First.

But I am not left to form my judgment upon this great question from analogies between the English government and our own, or the commentaries of English jurists, or the decisions of English courts, although upon this subject they are entitled to the highest respect, and are justly regarded and received as authoritative by our courts of justice. To guide me to a right conclusion, I have the Commentaries on the Constitution of the United States of the late Mr. Justice Stery, not only one of the most emment jurists of the age, but for a long time one of the brightest ornaments of the Supreme Court of the United States, and also the

most eminent jurists of the age, but for a long time one of the brightest ornaments of the Su-preme Court of the United States, and also the clear and authoritative decision of that court itself, given more than half a century since, and conclusively establishing the principles I

nave above stated. Mr. Justice Story, speaking in his Commen. taries of the habeas corpus clause in the

mr. Justice Story, speaking in his Commentaries of the habeas corpus clause in the constitution, says:

"It is obvious that cases of a peculiar emergency may arise, which may justify, nay, even require, the temporary suspension of any right to the writ. But as it has frequently happened in foreign countries, and even in England, that the writ has, upon various pretexts and occasions, been suspended, whereby persons apprehended upon suspiction have suffered a long imprisonment, sometimes from design, and sometimes because they were forgotten, the right to suspend it is expressly confined to cases of rebellion or invasion, where the public safety may require it. A very just and wholesome restraint, which cuts down at a blow a fruitful means of oppression, capable of being abused in bad times to the worst of purposes. Hitherto no suspension of the writ has ever been authorized by Congress since the establishment of the constitution. It would seem, as the power is given to Cougress to suspend the writ of habeas corpus in cases of rebellion or invasion, that the right to judge whether the exigency had arisen, must exclusively belong to that body." 3 Story's Comon the Constitution, section 1336.

And Chief Justice Marshall, in delivering the opinion of the Supreme Court in the case of exparte Bollman and Swartwout, uses this decisive language in 4 Cranch, 95. It may be worthy of remark that this "act (speaking of the one under which I am proceeding) was passed by the first Congress of the United States, sitting under a constitution which had declared that the privilege of the writ of habeas corpus should not be suspended, unless, when, in case of rebellion or invasion, the public safety might require it." Acting under the immediate influence of this injunction, they must have felt, with peculiar force, the obligation of providing efficient means by which this great constitutional privilege should received life and activity; for if the means be not in axistence, the privilege itself would be lost although no law for i

in a laterage, the privilege itself would be lost, although no law for its suspension snoute be enacted. Under the impression of this obligation they give, to all the courts, the power of awarding write of habeas corpus.

tion they give, to all the courts, the power of awarding writs of habeas corpus."

And again, in page 101:

"If any time the public safety should require the suspension of the powers vested by this act in the courts of the United States, it is for the Legislature to say so. That qestion depends on political considerations, on which the Legislature is to decide. Until the Legislative will be expressed, this court can only see its duty, and must obey the law."

I can add nothing to these clear and emphatic words of my great predecessor.

But the documents before me show that the military authority in this cause has gone far beyond the mere suspension of the privilege of the writ of habeas corpus. It has, by force of arms, thrust aside the judicial authorities and officers to whom the constitution has confided the power and duty of interpreting and administering the laws, and substituted a military government in its place, to be administered that executed by military officers. For at the time these proceedings were had against John Merryman, the District Judge of Maryland—the commissioner appointed under the act of Congress—the District Attorney and the Marshall—all resided in this city of Baltimore, a few miles only from the home of the prisoner.

"Up to that time there had never been the

more, a few miles only from the home of the prisoner.

Up to that time there had never been the slightest resistance or obstruction to the process of any court or judicial officer of the United States in Maryland, except by the military authority. And if a military officer or any other person had reason to believe that the prisoner had committed any offence against the laws of the United States, it was his duty to give information of the fact, and the evidence to support it, to the District Attorney; and it would then have become the duty of that officer to bring the matter before the District Judge or Commissioner, and if there was sufficient legal evidence to justify his arrest, the judge or commissioner would have issued his warrant to the marshal to arrest him; and upon the hearing of the party would have held him to bail or committed him for trial, according to the character of the offence as it ap-

CASH PRICES FOR ADVERTISING

Advertisements should be sent in at an early hour peared in the testimony, or would have discharged him immediately if there was not sufficient evidence to support the accusation. There was no danger of any obstruction or resistance to the action of the civil authorities, and therefore no reason whatever for the interposition of the military. And vet, under these circumstances, a military officer, stationed in Pennsylvania, without giving any information to the District Attorney, and without any application to the judicial power in the District of Maryland; undertakes to decide what constitutes the crime of treason or rebellion; what evidence (if, indeed, he required any) is sufficient to support the accusation and justify the commitment; and commits the party without having a hearing even before himself, to close custody in a strongly garrisoned fort, to be there held, it would seem, during the pleasure of those who committed him.

The constitution provides, as I have before himself.

himself, to close custody in a strongly garrisoned fort, to be there held, it would seem during the pleasure of those who committed him.

The constitution provides, as I have before said, that "no person shall be deprived of life, liberty or property, without due process of law," It declares that "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." It provides that the party accused shall be entitled to a speedy trial in a court of justice.

And these great and fundamental laws, which Congress itself could not suspend, have been disregarded and suspended, like the writ of habeas corpus, by a military order, supported by force of arms. Such is the case now before me, and I can only say, that if the authority which the constitution has confided to the judiciary department and judicial officers, may thus upon any pretext or under any circumstances be usurped by the military power at its discretion, the people of the United States are no longer living under a government of laws, but every citizen holds life, liberty and property at the will and pleasure of the army officer in whose military district he may happen to be found.

In such a case my duty was too plain to be mistaken. I have exercised all the power which the constitution and laws confer on me, but that power has been resisted by a force too strong for me to overcome. It is possible that the officer who has incurred this grave responsibility may have misunderstood his instructions, and exceeded the authority intended to be given him. I shall, therefore, order all the proceedings in this case, with my opinion, to be filed and recorded in the Chrout Court of the United States. It will then remain for that high officer, in fulfilment of his constitutional obligation to "take care tha

PROCEEDINGS OF THE COURTS.

of the Supreme Court of the United States

PROCEEDINGS OF THE COURTS.

Criminal Court.—Judge Bond.—Frederick
Pinkney, Esq., prosecuting:
Thomas Lynch, a private in a Philadelphia
Regiment, charged with an assault upon Frederick Kraft—not guilty. James O'Neal, a private in a Philadelphia Regiment, was convicted of being drunk and assaulting officer
Poole. The Court reproved the soldier for his
conduct, he being charged with the duty of
maintaining the laws, said the Court, should
be the last person to violate them. He was
fined \$5 and costs and sent to jail for three
days. James Hines, for assaulting Patrick
Cunningham, was fined \$1 and costs. George
Morine, for assaulting Durius Vanhorn, was
fined \$1 and costs. T. Smith, for assaulting
James Grey, was fined \$5 and costs. Lewellyn Seward, charged with resisting officer
Shaw—not guilty. John Schroeder, charged
will assaulting Susan Hays—not guilty. Dominick Connolly, convicted of assaulting officer
Kelly, fined 25 cents and costs, and sent to jail
for one week. Henry Reibolt, charged in the
magistrate's commitment with assaulting Frederica Fernager, and "threatening to poison
all persons favorable to the Union, he being a
butcher"—not guilty. Frederick Fernager,
charged with assaulting Henry Reibolt, was
ordered to pay the costs in both cases.—
Martin Kain, charged with fassaulting Frank
Jones, and Frank Jones charged with assaulting
James T. Withelm, was fined \$10 and costs,
Alexander Levy, charged with assaulting police officer Allen, while in the discharge of his
duty. It appeared in evidence that a detachment of police, including officer Allen, were
sent out to a place on Madison avenue, where
a game of base ball was to be played, to maintain the peace in the crowd of operators usually present; officer Allen accepted an invitation from Levy and James Morgan to take a
drink, at the Park House, and he in return
wanted them to drink with him. Morgan proposed a toast for the Union, which officer
Allen refused to drink, and proposed a toast
to "J

Court of Common Pleas—Judge Marshall.—
John W. Maxwell vs. Mordecai Merryman:
appeal from Bayzand. Judgment reversed
and judgment for property and costs.
Pairick Cowan vs. John Johnson; appeal
from Myers. Judgment affirmed.
H. Coak vs. Wm. Constable; appeal from
Bayzand. Judgment for appellee for \$6, each
party to pay his own costs.

[Correspondence of the Baltimore Sun. Towsontown, June I.

Yesterday the County Court, as usual, was in equity session, and the following cases were argued:

Walter T. Hale vs. Richmond Mouroe et al.; motion to dismiss injunction Mr. Machen for complainant, and Mr. Dulaney for defendants.

for complainant, and Mr. Dulaney for defendants.

Joseph P. Fusting vs. Van Bokkelyn and Eichelburger, garnishees of Dr. Geo. W. Lawrence; motion to quash attachment on warrant. Overruled. Mr. Grason for plaintiff, and Mr. Barrall for garnishees

Owing to the argument of counsel in the case of Nesbitt vs. Price, yet pending, the magistrates appeals were further continued until Thursday next. The court adjourned until Tuesday morning, and Judge Price left for his home in Harford.

Some excitement was caused this morning by Major Hay, of Pennsylvania, appearing in town with a detachment of three hundred federal troops, and selzing twenty-five muskets belonging to the Baltimore County Home Guards.

Court of Appeals of Maryland.—December Term, 1860.—Annapolis, May 31, 1861.—Nos. 128 and 129. The Border Mining Company vs. John Barry and Hamilton Downsappeals from the Circuit Court for Allegany county. The argument in these cases was further continued and concluded by J. H. Gordon for the appellees, and by George A. Pearre for the appellent.

The Treason Case at Cincinnati Abandoned.—The trial of O. Byton Young, at Cin-

DONED.—The trial of O. Byron Young, at Oin-cinnau, for alleged treason, has been brought to an abrupt conclusion by the U. S. District Attorney entering a not pros. Judge Johnson, the assistant counsel for the prosecution, on the motion being made to abandon the case, remarked we have read over together all the the motion being made to abandon the case, remarked we have read over together all the papers found in this young man's possession, and the notes of all the testimony before the grand jury, and have used our best endeavors to learn what other witnesses knew of the matter; and after all, I am satisfied that no overt act of treason within the State of Ohio can be proved against him by the testimony of two witnesses. Without this, no conviction can be had, and without a reasonable prospect of conviction, it would not become the representative of the United States either to incur the cost of another trial or to hold a citizen in durance.

Whatever the follies or misfortunes of this young man may be, he is fortunate in this, that he is a citizen of the United States, and lives under a government too wise, too just, too strong, and too magnanimous to prosecuteany citizen or hold him in bondage for any other than the legitimate purposes of a fair and impartial trial. I therefore concur in the recommendation of my brother Ball that the court will direct him to enter a nole prosequi and thus the case ended.

Previous to the close of the case, Col. Anderson was placed on the witness stand, and gave a history of the Fort Sumter battle and surrender.

MARINE DISASTERS FOR MAY.—The total number of American sea, going craft reported remarked we have read over together all the

MARINE DISASTERS FOR MAY.—The total number of American sea-going craft reported during the month of May as lost and missing, was 31, viz: 5 ships, 4 barks, 6 brigs and its schooners. Of these 13 were wrecked, 6 abandoned, 1 sunk, 3 burnt, 2 capsized, 1 foundered, 1 sunk by collision and 4 are missing. The total value of property lost and missing was \$1,342,000. This is the value of the property totally lost, exclusive of damage to vessels not amounting to a total loss. The vessels reported in the list are chiefly American, although some foreign are included, when bound to or from an United States port, or known to be insured in this country.